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ON PETITION

In re Patent No. 6,790,353
Issue Date: September 14, 2004
Application No. 10/064,871
Filed: August 26, 2002
Attorney Docket No. 717281.7

This is a decision on the petition under 37 CFR 1.183, filed April 1, 2005, which is being treated under 37 CFR 3.81(b)¹ to accept the correction of the assignee on the front page of the above-identified patent.

The petition is **dismissed**.

Petitioner requests issuance of a certificate of correction in the name of "Stellar Technology Company, Sauget, IL." 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but *prior to issuance of a patent*. The U.S. Patent and Trademark Office assignment records disclose that an assignment from Stellar Manufacturing Company to Stellar Technology Company was recorded on December 16, 2004, after the date of issuance of this patent. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper. Note also MPEP Section 307.

However, it would be appropriate to grant the instant petition to reflect the assignee data as **Stellar Technology Company, Sauget, IL** on the front page of the Letters Patent. Accordingly, if petitioner desires to have the assignee data corrected on the front page of the Letters Patent, petitioner should submit a request for reconsideration under 37 CFR 3.81(b), along with a request for a Certificate of Correction and PTO Form 1050.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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¹ See Official Gazette of June 22, 2004

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